

REMARKS**The Amendments**

The specification has been amended to remove the gene sequences provided at pages 38-40 and 45-48 and insert these sequences as Figures 3A-C, 10A-C, 11A-B, and 12A-B, as part of the present disclosure.

The specification has been amended to remove the embedded Figures and schematics provided on pages 44, 53, 56, 59, 61, and 63 of the specification. These Figures are now presented as Figures 1, 2, 4, 5, 6A-C, 7, 8, and 9, as part of the present disclosure. The Figures, now provided as Figures 1-12, are attached to a paper accompanying this response entitled "Submission of Formal Drawings." Formal drawings for originally filed Figures 1 and 2 are included, in addition to "re-located" Figures 3-12, with this submission. The titles of Figures 1 and 2 have been removed in the formal drawings.

The Brief Description of the Figures section of the specification has been amended to include a description of Figures 3-12. Support for each of the added "descriptions" can be found in the specification as follows:

Figures 3A-C: page 38, lines 23-24.

Figure 4: page 37, line 25, to page 43, line 2.

Figure 5: page 53, line 3.

Figures 6A-C: page 55, lines 22-23.

Figure 7: page 59, lines 11-14.

Figure 8: page 61, lines 4-5.

Figure 9: page 62, line 6, to page 63, line 4.

Figures 10A-C: page 45, line 24.

Figures 11A-B: page 46, line 32.

Figures 12A-B: page 47, lines 23-25.

The specification has also been amended to fill in the blank at page 45, line 14, by providing the serial number for U.S. patent application Serial No. 09/679,279.

In addition, the specification has been amended to provide sequence identifiers.

No new matter has been added.

The Declaration

During prosecution of the parent of the subject application, the Examiner noted that the Declaration improperly claimed priority to applications that did not share a common inventor with the parent application but were instead merely mentioned as related applications in the Cross-Reference to Related Applications section of the parent application. A substitute declaration claiming priority only to U.S. patent application Ser. No. 60/161,414 and not to applications merely incorporated by reference in the Cross-Reference to Related Applications section was filed as part of the prosecution history of the parent.

When the subject application was filed, the incorrect Declaration with the improper priority claim was inadvertently filed with it. Therefore, Applicant is submitting as Appendix A a copy of the substitute Declaration as filed with the parent.

Compliance with Sequence Rules

Applicant is submitting herewith a paper copy of the sequence listing (see Exhibit B) as required by 37 C.F.R. § 1.821 through 1.825 as new pages 1-10. A computer readable form copy of the sequence listing also accompanies this response.

The undersigned hereby states that the computer readable form copy (CRF copy) of the Sequence Listing and the paper copy of the Sequence Listing, submitted in accordance with 37 C.F.R. § 1.821 to § 1.825, respectfully are the same and contain no new matter. Accordingly, entry of the Sequence Listing into the above-captioned case is respectfully requested.

Applicant has amended the specification and drawings to include SEQ ID numbers where appropriate. The instant application now fully complies with the sequence rules.

Formal Drawing Submission

Applicant is submitting concurrent with this Preliminary Amendment a Submission of Formal Drawings enclosing 20 sheets of formal drawings in connection with the subject application. The drawings have been taken directly from the specification and added to the drawings section.

CONCLUSION

Applicant respectfully requests examination of the subject application on the merits.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant(s) petition(s) for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 300622004810.

Dated: October 24, 2003

Respectfully submitted,

By Brenda J. Wallach
Brenda J. Wallach, Ph.D.
Registration No.: 45,193
MORRISON & FOERSTER LLP
3811 Valley Centre, Suite 500
San Diego, California 92130
(858) 720-7961